

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEIDERMANN, *et al.*,

Defendants.

Case No. 8:23-cr-00086-BCB-SMB

**UNOPPOSED JOINT MOTION OF
DEFENDANTS LEIDERMANN,
THIBODO, BOWEN, BREGMAN,
COLINDRES, JUSTIN GARRINGER AND
WITTEMAN FOR AN EXTENSION OF
THE DEADLINE FOR FILING
PRETRIAL MOTIONS**

COME NOW Defendants David Leidermann, Eric Thibodo, Evan Bowen, Adam Ross Bregman, Gabriel R. Colindres, Justin Garringer and Tyler John Witteman, and, each by and through their attorneys of record, and for the following reasons move the Court for an order extending the time for filing pretrial motions by approximately ninety days to August 29, 2025:

1. The current deadline for each moving Defendant to file pretrial motions is May 30, 2025.

2. As set forth in previous pleadings, the discovery already produced by the Government to the moving Defendants is very voluminous, consisting of terabytes of data.

3. When Magistrate Judge Carson previously extended the deadline for the filing of pretrial motions to May 30, 2025, the Court stated that “[n]o further continuances will be granted absent a showing of exceptional good cause and without first requesting a hearing before the undersigned magistrate judge.” Dkt. 371. The Court also directed the Government to file any superseding indictment on or before March 31, 2025. *Id.*

4. Since the date of the Court’s previous order, the Government has filed a Third

Superseding Indictment. Although the new indictment appears to have been filed on March 18, 2025, the Defendants did not receive notice of the new pleading until April 17, 2025; the Third Superseding Indictment was unsealed by the Court on May 13, 2025.

5. The Third Superseding Indictment adds three new Defendants, two of whom have yet to make an appearance in the District of Nebraska.

6. Undersigned counsel are informed that the Government intends to produce to the defense additional, new discovery comprising approximately 1.5 terabytes of data—but it has not yet done so. *See* Dkt. 418.

7. Although Defendants well understand the Court’s desire to move this case toward trial, Defendants must again request that the motions date be continued, and submit that there is ample good cause for a continuance of approximately ninety days. *First*, before filing pretrial motions, Defendants must have an opportunity to review all discovery in this matter—and, as discussed, 1.5 terabytes of additional discovery apparently remains to be produced. *Second*, even if the moving Defendants were to file pretrial motions on May 30, 2025, the case could not proceed to trial because there are three additional new defendants, two of whom have not yet appeared in this Court, who will each need the opportunity to receive and review the voluminous discovery materials before they can file motions and proceed to trial. It will promote judicial efficiency to permit the new Defendants to catch up to the existing ones, so that all Defendants may proceed on the same schedule and file joint pretrial motions, if appropriate, rather than burdening the Court with repetitive filings, at different times, on behalf of separate Defendants.

8. Counsel for the moving Defendants have contacted counsel for the Government about this motion, and counsel for the Government has indicated that the Government has no objection to a ninety-day extension of time.

9. Each of the Defendants whose attorneys have signed off on this joint motion is aware that such continuance will be excludable time for purposes of computing Speedy Trial Act deadlines.

10. Each of the attorneys whose name appears as a signatory to this motion has given written authority to the filer of this joint motion to file this joint motion on their and their client's behalf.

WHEREFORE, Defendants David Leidermann, Eric Thibodo, Evan Bowen, Adam Ross Bregman, Gabriel R. Colindres, Justin Garringer and Tyler John Witteman jointly pray for an order extending the time for filing pretrial motions to August 30, 2025. Pursuant to the Court's order, the moving Defendants request a hearing on this motion.

Dated: May 14, 2025

Respectfully submitted,

David Leidermann

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2025 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Thomas J. Kangior – Assistant United States Attorney
Brent M. Bloom – Attorney for Defendant Justin Garringer
David M. Michael – Attorney for Defendant Evan Bowen
Howard M. Srebnick – Attorney for Defendant Adam Ross Bregman
James K. McGough – Attorney for Defendant David Leidermann
Jeremy L. Ross – Attorney for Defendant Evan Bowen
Jerry M. Hug – Attorney for Defendant Richard Wesley Marshall
Michael V. Severo – Attorney for Defendant Gabriel Colindres
Ryan M. D'Ambrosio – Attorney for Defendant Evan Bowen
Stuart J. Dornan – Attorney for Defendant Eric Thibodo
Ted W. Cassman – Attorney for Defendant Eric Thibodo
Alyssa L. Silvaggi – Attorney for Defendant Adam Ross Bregman
Adam J. Sipple – Attorney for Defendant Michael Garringer
Michael J. Wilson – Attorney for Defendant Tyler John Witteman
Eric M. Hagen – Attorney for Chris Schmitt

Raphael M. Goldman

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